

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Before Commissioners:

Robert G. Taub, Chairman;
Michael Kubayanda, Vice Chairman;
Mark Acton;
Ann C. Fisher; and
Ashley E. Poling

Bellville Post Office
Bellville, GA

Docket No. A2020-1

ORDER DISMISSING APPEAL

(Issued September 1, 2020)

I. INTRODUCTION

On July 31, 2020, the City of Bellville, Georgia (Petitioner) appealed the Postal Service's determination to close the Bellville Post Office located in Bellville, Georgia, 30414.¹ On August 3, 2020, the Commission established Docket No. A2020-1 to consider the appeal, designated a Public Representative, and established a procedural schedule for further submissions.² For the reasons set forth below, the appeal is being dismissed without prejudice.

¹ Petition for Review Received from the City of Bellville, GA Regarding the Bellville, GA Post Office, July 31, 2020 (Petition).

² Notice and Order Accepting Appeal and Establishing Procedural Schedule, August 3, 2020 (Order No. 5612).

II. PROCEDURAL BACKGROUND

On August 10, 2020, the Postal Service filed a motion to dismiss the appeal.³ On August 20, 2020, the Public Representative filed comments in support of the Motion.⁴ On August 21, 2020, Petitioner submitted a brief in opposition to the motion to dismiss.⁵

On August 27, 2020, the Postal Service filed a notice of its decision “to pause the closing of the Bellville Village Post Office (BVPO).”⁶ The Postal Service states that its decision “is related to the Postal Service’s August 2020 announcement that it will be pausing certain activities until after the election in November 2020.” Notice at 1. Notwithstanding this decision, the Postal Service maintains that the Commission should dismiss the City of Bellville’s appeal with prejudice for the reasons set forth in its motion to dismiss. *Id.* at 1-2.

On August 28, 2020, Petitioner responded to the Postal Service’s Notice.⁷ Petitioner requests the Postal Service to reconsider its intention to close the Bellville facility in light of the facts and circumstances set forth in Petitioner’s prior pleadings, reasserts its position that the Commission has jurisdiction to hear its appeal, and requests the Commission to deny the Postal Service’s motion to dismiss. Response of the City of Bellville at 1.

III. COMMISSION ANALYSIS

The Postal Service seeks dismissal of the appeal on the grounds that under 39 U.S.C. § 404(d), the Commission lacks jurisdiction to hear appeals of Postal Service decisions to close Village Post Offices. See Motion at 5-7. Alternatively, the Postal

³ United States Postal Service Motion to Dismiss Proceedings, August 10, 2020 (Motion).

⁴ Public Representative Comments, August 20, 2020 (PR Comments).

⁵ Brief in Response to United States Postal Service Motion to Dismiss Proceedings, August 21, 2020 (Brief in Response).

⁶ Notice of the United States Postal Service Regarding the Bellville Village Post Office, August 27, 2020, at 1 (Notice).

⁷ Response of the City of Bellville to the Notice of the United States Postal Service Regarding the Bellville Post Office, August 28, 2020 (Response of the City of Bellville).

Service argues that the Commission lacks jurisdiction to entertain an appeal of the BVPO closure because the BVPO is not the “sole source” of retail postal services for Bellville. *Id.* at 7-11. Petitioner opposes the motion to dismiss on a variety of legal and factual grounds. See Brief in Response at 2-5.

The Postal Service’s Notice does not specify the duration of the pause, except to suggest that closure will occur at some time after the November 2020 election. Notice at 1. Since action on the motion to dismiss requires an assessment of facts, some of which are in dispute, and since additional or changed facts could emerge over this indeterminate pause, it would be premature for the Commission to rule on the pending motion to dismiss. Orderly presentation of an appeal of the BVPO closing, if, and when, it is rescheduled to occur, would be best achieved by the filing of a new appeal, the establishment of a new docket, and, assuming the Postal Service continues to seek dismissal, the filing of a motion to dismiss that addresses the then-current factual context.

Accordingly, the Commission is dismissing the pending appeal without prejudice to the filing of a new appeal if, and when, the Postal Service establishes a revised date for closing the BVPO facility.⁸ Dismissal of the pending appeal is without prejudice to the Postal Service’s right to reassert the arguments made in its motion to dismiss and any additional arguments it wishes to make. This approach will ensure a complete and current factual basis for Commission action. The Commission’s action is analogous to its action in an earlier case in which the Postal Service withdrew the proposed closure of a Post Office.⁹

⁸ The Commission assumes, of course, that the Postal Service will provide legally sufficient notice of such determination to customers of the BVPO facility.

⁹ See Docket No. A2012-22, *Sattley/Calpine Post Office, Calpine, California*, Order Dismissing Appeal, January 12, 2012 (Order No. 1129). In both cases, the Postal Service retained the right to propose the closure of a postal facility at a future indeterminate date. In both cases, dismissal of the appeal without prejudice preserves the *status quo* and the rights of all parties.

IV. CONCLUSION

In light of the Postal Service's decision to pause the closing of the BVPO and for the reasons set forth above, the appeal is dismissed without prejudice and Docket No. A2020-1 is closed.

V. ORDERING PARAGRAPHS

It is ordered:

1. The Petition for Review of the decision to close the Bellville, Georgia post office is dismissed without prejudice.
2. Docket No. A2020-1 is closed.

By the Commission.

Erica A. Barker
Secretary